



VICTIM-WITNESS ASSISTANCE SERVICES

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EXHIBIT 5
DATE 3/8/2013
SB 306

March 6, 2013

To: House Judiciary Committee
From: Nichole Griffith, Executive Director, Victim-Witness Assistance Services, Great Falls, MT
Re: SB 306 sponsored by Senator Olson – Revise Partner Family Member Assault Laws

Good morning. I appreciate the opportunity to be able to submit written testimony in support of SB 306. My name is Nichole Griffith and I am the Executive Director of Victim-Witness Assistance Services in Great Falls. We are a nonprofit crime victim services program that serves men, women, and children in Cascade County. We provide services to victims of ALL crimes including court case tracking, helping in applying for Orders of Protection, and support through the Criminal Justice system. We strongly support Senate Bill 306 sponsored by Senator Olson.

SB 306 would amend the existing PFMA statute to remove the language “persons of the opposite sex.” This change is crucial in protecting ALL victims of domestic violence.

- As a direct service provider to those who are assaulted by partners and family members, it is **VERY** disheartening to have to look into a survivor’s eyes and try to explain why they, as a victim in a same-sex relationship, are treated differently in the eyes of the law. Partner/Family Member Assaults are exactly that – PARTNERS or FAMILY members being assaulted and all offenders of this crime should be punished equally.
- It is critical to send a message to all domestic violence survivors that they matter and the law is in place to protect them – regardless of the type of relationship. If we, as a society, want the cycle of domestic violence to stop, there needs to be a clear message to ALL offenders that domestic violence will not be tolerated.
- The PFMA statute as currently written is unconstitutional and violates the Montana Constitution’s equal protection provision under Article II, Section 4 as well as the U.S. Constitution’s Fourteenth Amendment.
- As an advocate for victims of crime, I often see repeat domestic violence victims and offenders. In these cases, the offender can be charged with PFMA twice as a misdemeanor, but the third time – and typically an abuser will continue to offend – is a felony. While it is disheartening to see victims continue to remain in an unhealthy relationship, we have made strides in the law to make that third charge a felony and to allow law enforcement to make the charging decision instead of leaving it up to the victim. It is time to make strides in all aspects of domestic violence and allow for ALL survivors of domestic violence to have equal protection under this statute. It is not okay for the same assault to continue to be a misdemeanor time and time again for victims in homosexual relationships. Now is the time to make a difference.

Thank you for your time and careful attention to this important issue. I strongly urge you to vote **YES on SB 306** and move it to the House floor for consideration. If you have questions, I am available to provide further information.

Sincerely,

Nichole Griffith
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